RULES OF CONDUCT FOR USERS OF CLALLAM TRANSIT SYSTEM VEHICLES, FACILITIES, AND PROPERTIES

ARTICLE I – INTRODUCTION

Clallam Transit System's vehicles, facilities, and properties are intended to provide and support public transportation services for the benefit of the general public and CTS employees. Pursuant to RCW 36.57A.010 and 36.57A.080, and to maintain public transportation services that are orderly, safe, secure, comfortable, and convenient, the following Rules of Conduct for Clallam Transit System Vehicles, Facilities, and Properties (the "Rules of Conduct") have been adopted by the Clallam Transit System Board. The Rules of Conduct are intended to regulate conduct occurring on CTS vehicles, within or upon CTS facilities and properties, and in connection with CTS's provision of public transportation services.

All CTS vehicles, facilities, and properties, including transit centers, bus shelters, park and ride lots, and bus stops, are designated as Drug-Free Zones.

The Rules of Conduct consist of five separate articles, which include the following: Article I – Introduction; Article II – Definitions; Article III – Regulation of Conduct; Article IV – Public Communication Activities: CTS Transit Vehicles, Facilities, and Properties; and Article V – Transit Center Use Policy.

If any one or more of the provision(s) in the Rules of Conduct shall be declared by any court of competent jurisdiction to be contrary to law, then such provision(s) shall be null and void and shall be deemed separable from the remaining provisions in the Rules of Conduct and shall in no way affect the validity of the other provisions of the Rules of Conduct.

ARTICLE II – DEFINITIONS

As used in these Rules of Conduct, the words herein shall have the meanings provided in this Article II. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words imparting the singular number shall include the plural numbers and vice-versa, unless the context shall otherwise dictate.

A. "Bus shelters" shall mean those structures located in transit vehicle loading zones that provide cover for the general public to board and alight transit vehicles.

B. "Commercial activity or activities" shall mean any enterprise or venture by groups or individuals for the purpose of promoting or selling products or services to CTS employees or the general public, whether for profit or not.

C. "General public" shall mean any person or group of persons, including CTS employees not acting in an official capacity at the time.

D. "Park-and-ride lots" shall mean locations at which persons park their individual vehicles and transfer to a CTS transit vehicle or car/vanpool vehicle, including all physical improvements and landscaping.

E. "Permit" shall mean a permit that gives a Permittee authority to conduct public communication activities in a manner consistent with applicable endorsements, limitations, rules, and procedures described in Rules of Conduct.

F. "Permittee" shall mean any individual, firm, partnership, corporation, organization, association, or entity of any kind who obtains a Permit as described above.

G. "Person" shall mean any individual, firm, partnership, corporation, organization, association, or entity of any kind.

H. "Public communication activity or activities" shall mean the posting or distributing of flyers, pamphlets, brochures, books, or other written material, collecting petition signatures, political campaigning, demonstrating, displaying signs, picketing, unscheduled playing of musical instruments or other performances, public speaking, conducting surveys, soliciting or receiving of funds or contributions of any kind for any purpose, or otherwise communicating or attempting to communicated to the general public.

I. "Public transportation services" shall include the definition of public transportation services in RCW 36.57A.010(8), together with vanpools and fixed route and paratransit services, whether operated by CTS or any governmental agency, private person, firm, or corporation contracting with CTS pursuant to RCW 36.57A.

J. "Rules of Conduct" shall mean the rules of conduct adopted by resolution by the Clallam Transit System Board which regulate conduct occurring on CTS vehicles, within or upon CTS facilities and properties, and in connection with CTS's provision of public transportation services. Unless otherwise provided herein, such definition shall include, collectively, Articles I through V.

K. "CTS" shall mean Clallam County Public Transportation Benefit Area, dba Clallam Transit System, a Washington municipal corporation and Public Transportation Benefit Area organized and operating under and by virtue of the laws of the State of Washington.

L. "CTS employee" shall mean any part-time or full-time, temporary or regular, exempt or non-exempt, represented or non-represented person, including an intern or contracted part, who is compensated by CTS for services by wages, salary, or other remuneration.

M. "CTS facilities and properties" shall mean all facilities, structures, schedule racks, kiosks, bulletin and information boards, lands, interest in lands, air rights over lands, and rights of way of all kinds that are owned, leased, held, or used by CTS for the purpose of providing and/or supporting public transportation services, including, but not limited to, park and ride lots, transit centers, bus shelters, public streets and sidewalks that are used by the general public to board and alight transit vehicles.

N. "Transit centers" shall mean locations where transit routes have a common terminus and where facilities are provided to facilitate general public boarding and alighting from transit vehicles, including all physical improvements and landscaping.

O. "Transit-related activities" shall mean activities associated with the provision or support of CTS public transportation services, the use of those services by the general public, or CTS sales, promotion, or maintenance activities in support of CTS public transportation services.

P. "Transit vehicle" shall mean a municipal transit vehicle defined in RCW 46.04.355. It also includes any transit agency maintenance vehicle, supervisor vehicle, or vehicle used to transport CTS employees.

Q. "Vehicle" shall include any CTS bus, car, or van, or other passenger vehicle.

ARTICLE III – REGULATION OF CONDUCT

A. PROHIBITED CONDUCT

The following conduct is prohibited on CTS vehicles, within or upon CTS facilities and properties, and in connection with CTS's provision of transportation services:

1. Engaging in any conduct prohibited by RCW 9.91.025 or prohibited by any federal, state, or municipal civil or criminal law;
2. Except in a designated place, chewing tobacco or smoking or carrying a lighted or smoldering pipe, cigar, cigarette, or e-cigarette;
3. Discarding litter other than in designated receptacles;
4. Dumping or discarding any materials on CTS property, including but not limited to hazardous substances and automotive fluids;
5. Playing any radio, recorder, or other sound-producing equipment, except that nothing herein shall prohibit the use of such equipment when connected to earphones that limit the sound to individual listeners or the use of communication devices by CTS employees, CTS contractors, or public safety officers in the line of duty, or the use of private communication used to summon, notify, or communicate with other individuals (e.g. cellular telephones);
6. Spitting, urinating, or defecating, except in the appropriate plumbing fixtures in restroom facilities;
7. Failure to maintain a reasonable level of personal hygiene. It is not CTS's objective to enforce personal hygiene standards on the public, but in order to maintain a clean and safe environment to all who use and work upon CTS's vehicles and property, passengers who may contaminate an area due to blood, urine, fecal matter, or other body fluids will be refused transportation. This includes those whose body odor is so offensive that others would complain and/or vacate the immediate area. This also includes odors which unreasonably disturb others or interfere with their use of the transit system, whether such odors arise from one's person, clothes, articles, accompanying animal or any other source;
8. Carrying any flammable liquid, explosive, acid, or other article or material likely to cause harm to others except that nothing herein shall prevent a person from carrying a cigarette, cigar, pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law or these Rules of Conduct;
9. Obstructing or impeding the flow of CTS vehicles or passenger traffic or hindering or preventing access to CTS vehicles or property. This includes causing unreasonable delays in boarding or alighting, loading or unloading a bicycle, blocking or partially blocking an aisle or stairway with a package or object, carrying objects of a combined number or size which impede access to an aisle or passenger seat, occupying or reclining in more than one seat, or otherwise unlawfully interfering with the provision or use of public transportation services;
10. Disturbing others by engaging in loud, raucous, unruly, harmful, aggressive, violent, or harassing behavior (flashing gang signs or displaying gang colors is considered harassing behavior);
11. Destroying, defacing, or otherwise damaging CTS property;
12. Possessing any open beverage container holding alcohol or possessing controlled substances, unless otherwise authorized by law;

13. Carrying, exhibiting, displaying, or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon capable of producing bodily harm, including tasers or stun guns, and pepper spray in a manner, under circumstances, and at a time and place that either manifest an intent to intimidate another or warrants alarm for the safety of other persons, unless otherwise authorized by law;
14. Throwing an object at or out of CTS vehicles, facilities, or property, or throwing an object at any person on CTS property;
15. Allowing any animal to occupy a seat on CTS vehicles or property, to run at large, to unreasonably disturb or intimidate others, to leave waste matter on CTS vehicles or property, to board CTS vehicles unless secured in an approved pet container/carrier (exception: service animals), or to interfere with CTS's activities.
16. Engaging in other conduct that is inconsistent with the intended purpose of the CTS facility, transit center, or vehicle and refusing to obey the lawful commands of a CTS agent or law enforcement officer to cease conduct;
17. Roller skating, rollerblading, or skateboarding;
18. Riding a bicycle, unicycle, moped, or other motorcycle, except where public vehicle travel and access is permitted;
19. Failing to comply with CTS Bicycle Use Policy;
20. Eating on CTS vehicles or in prohibited areas of CTS facilities and properties;
21. Drinking, except from a spill-proof container, on CTS vehicles or in prohibited areas of CTS facilities and properties;
22. Using a public address system, loudspeaker, or other sound-amplifying device, except as authorized by CTS or its designee;
23. Using CTS property for residential or commercial parking purposes except as authorized by CTS, its designee, or by law;
24. Operating, stopping, standing, or parking a vehicle in any roadway or location restricted for use only by CTS vehicles or otherwise restricted;
25. Sitting or lying on floors of CTS vehicles or floors, sidewalks, asphalt, or other ground covering in or on CTS facilities and properties;
26. Sleeping, camping, or storing personal property on benches or floors on or within CTS vehicles, facilities, or properties, unless otherwise authorized by law;
27. Entering or remaining upon any non-public areas of CTS facilities or properties, including, but not limited to, staging areas, work areas, and equipment rooms, except when authorized by CTS or its designee;
28. Entering CTS vehicles, facilities, or properties without wearing a shirt (or other suitable article of clothing adequately covering the upper body torso), shorts or pants which adequately cover the portion of the body between the waistline and thigh), and shoes (unless medical accommodation is preauthorized by CTS to allow for coverings other than shoes);
29. Engaging in commercial activities, except when such activities are authorized by CTS or its designee in a written permit, license, concession contract, lease, or other written authorization;
30. Engaging in public communication activities, except as such activities are authorized by Article IV and V;
31. Engaging in any civic, cultural, or other special event, not included in the definitions of commercial or public communication activities in Article IV herein, except as such activities are

authorized by CTS or its designee in a written permit, license, concession contract, lease, or other written authorization;

32. Committing any act which tends to create or incite, or creates or incites, an immediate breach of peace, including, but not limited to,

- **a.** Fighting,
- **b.** Racing,
- **c.** Obscene language and noisy or boisterous conduct tending to cause a breach of the peace, and
- **d.** Personally abusive epithets or words or language of an offensive, disgusting, or insulting nature, which epithets, words, or language when addressed to a reasonable person causes anger or apprehension;

33. Engaging in sexual activity with one's self or others while riding or accessing CTS vehicles, facilities, or properties;

34. Displaying or reading pornographic materials where others may see it;

35. Engaging in gambling or any game of chance for the winning of money or anything else of value;

36. Using CTS vehicles, facilities, or properties for non-transit-related activities, except as authorized by CTS or its designee;

37. Entering CTS vehicles, facilities, or properties when lacking the ability to care for one's self because of illness, intoxication, or medication(s);

38. Extending an object or a portion of one's body through the door or window of a CTS vehicle;

39. Hanging or swinging on bars or stanchions with feet off the floor while on a CTS vehicles or CTS property or hanging onto or otherwise attaching one's self to the exterior of a CTS vehicle or other CTS property;

40. Engaging in any physical sport activity on CTS property;

41. Loitering or "hanging out" (customers are expected to board the next scheduled CTS vehicle traveling in the direction of their destination);

42. Refusing to allow proper securement of a wheelchair or other mobility device on CTS vehicles;

43. Failure to pay the appropriate fare as required by CTS, falsely representing oneself as eligible for a special or reduced fare, or obtaining any permit or pass by making false representation;

44. Falsely claiming to be a CTS Operator or other CTS employee or volunteer, or, through words, actions, deeds, and/or the use of clothes, insignia, or equipment resembling CTS-issued uniforms and equipment, creating a false impression that one is a CTS Operator or other CTS employee or volunteer;

45. Interfering or tampering with mobile data computers, fareboxes, or any other equipment on CTS vehicles or property;

46. Laying hands on or verbally intimidating a CTS Operator or CTS employee, including spitting on or throwing fluids or objects at them;

47. Exceeding the number of no-shows allowed under Clallam Connect (paratransit) procedures, provided that trips missed are for reasons beyond the customer's control shall not be counted as no-shows;

48. Impeding Clallam Connect service through non-compliance with Clallam Connect procedures;

49. Violating an Exclusion Order issued under these Rules of Conduct; and

50. Unlawfully discharging a laser towards an Operator while they are driving or performing their duties, causing impairment of the safety or operation of a transit vehicle or causing an

interruption or impairment of service by negatively affecting the Transit Operator (RCW 9A.49.020).

B. ENFORCEMENT

1. Exclusion from Service

a. Basis for Exclusion. Any person engaging in prohibited conduct under these provisions of Article III, Section A, may be refused service, ordered to leave, or otherwise restricted in the use of CTS vehicles, facilities, or properties by a commissioned law enforcement official, CTS personnel, or authorized personnel of a CTS-contracted service provider. Failure to immediately comply with such removal or exclusion order may be grounds for prosecution for criminal trespass and/or unlawful transit conduct.

b. Immediate Exclusion or Removal. A CTS employee may immediately reseat, refuse transportation or other service, or remove from CTS vehicles, facilities, or properties without prior written notice a person who has engaged in prohibited conduct under Article III, Section A, which, in the CTS employee's discretion, poses a safety or security risk, interferes with or impinges on the rights of others, impedes the free flow of the general public, or impedes the orderly and efficient use of CTS vehicles, facilities, and properties. If an individual who is immediately excluded or removed is also excluded from future access to CTS vehicles, facilities, and properties, CTS should, to the extent possible, give notice to that individual of the future exclusion pursuant to Section B(1)(c).

c. Notice Procedure. CTS may give a person to be excluded from CTS vehicles, facilities, and/or properties written notice, to the extent possible, by personal delivery or by mailing a copy to the person's last known address. The notice shall specify the reason(s) for exclusion, identify the scope, duration, and effective date of the exclusion, and explain the appeal process. The exclusion notice is effective upon actual or constructive receipt.

d. Constructive Receipt. Receipt of an exclusion notice is construed to have occurred if the person knew or reasonably should have known from the circumstances that s/he is excluded from CTS vehicles, facilities, and/or properties. Receipt of a notice is also presumed to have been accomplished three (3) calendar days after such notice has been placed in the U.S. Mail to the person's last known mailing address.

2. Length of Exclusion. The following suggested exclusion lengths are guidelines to be used by CTS in determining the duration of a particular exclusion under the provisions of Article III. The actual exclusion period imposed may be shorter or longer depending on the circumstances of the incident and the individual's history of documented prior conduct/incidents while using or accessing CTS vehicles, facilities, and/or properties. Permanent exclusion may be appropriate under certain circumstances.

a. If the person being excluded has had no prior policy violations, including exclusions or denials of service, in the prior 365 days, and

1) The prohibited conduct would constitute a misdemeanor in the State of Washington or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 30 days.
2) The prohibited conduct would constitute a felony in the State of Washington, the exclusion should not exceed 90 days.

b. If the person being excluded has had one prior policy violation, including exclusions or denials of service, in the prior 365 days, and

1) The prohibited conduct would constitute a misdemeanor in the State of Washington or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 60 days.
2) The prohibited conduct would constitute a felony in the State of Washington, the exclusion should not exceed 90 days.

c. If the person being excluded has had two or more prior policy violations, including exclusions or denials of service, in the prior 365 days, and

1) The prohibited conduct would constitute a misdemeanor in the State of Washington or prohibited by RCW 9.91.025, the duration of the exclusion should not exceed 90 days.
2) The prohibited conduct would constitute a felony in the State of Washington, the exclusion should not exceed 120 days.

d. If the prohibited conduct is identified as a crime against a person or involves a firearm or other dangerous weapon, the duration of the exclusion could range from 365 days to permanent.

e. If the prohibited conduct does not rise to the level of a misdemeanor, the length of exclusion should not exceed that period of time suggested for misdemeanors in (a), (b), and (c) above.

3. **Appeal Procedure.** Not later than fifteen (15) calendar days after an exclusion notice becomes effective, an excluded person may appeal in writing to the CTS General Manager for a review of the exclusion. The appellant may request a hearing or may request review without a hearing based on a written statement setting forth the reasons why the appellant believes the exclusion is invalid or improper. If the appellant is unable to respond in written format, CTS will make reasonable accommodations. If no hearing is requested, the CTS General Manager shall render a written decision within twenty (20) calendar days after CTS's receipt of the appeal.

4. **Hearing.** If a hearing is requested, the hearing shall be held within thirty (30) calendar days after receipt of the appeal, and the hearing may be recorded (see consent form). A written decision shall be rendered within ten (10) calendar days after the hearing. If an appellant requires public transportation services to attend the hearing, the appellant shall contact CTS five (5) business days prior to the hearing date, and CTS shall make arrangements to provide the necessary public

transportation services for the appellant. The exclusion shall otherwise remain in effect during the appeal process.

5. **Missed Trips on Paratransit Vehicles.** The appeal and hearing provisions in subsections (3) and (4) above shall not apply to exclusions based on a violation of Article III, Section A (46) concerning missed paratransit trips. The written notice of such violation provided in Article III, Section B(1)(b) shall provide the appellant an opportunity to appeal within thirty (30) days after notice of exclusion is received. The appeal process shall include an opportunity to be heard and to present information and arguments. The exclusion is stayed pending the outcome of the appeal.

6. **Refusal to Comply.** The refusal to immediately comply with written or verbal notice excluding or restricting a person and/or his or her property from CTS vehicles, facilities, and properties shall be grounds for prosecution for criminal trespass under RCW 9A.52.070.

7. **Other Laws not Limited.** The enforcement of Article III herein is not intended to limit, in any manner, the enforcement of any applicable federal, state, or municipal laws.

C. LIABILITY

Nothing in Article III herein shall create a duty to any person on the part of CTS or form any basis for liability on the part of CTS, its officers, agents, employees, or volunteers. The obligation to comply with Article III is solely that of any person entering and using CTS vehicles, facilities, and/or properties. CTS's enforcement of Article III is discretionary, not mandatory.

ARTICLE IV – PUBLIC COMMUNICATION ACTIVITIES: CTS TRANSIT VEHICLES, FACILITIES, AND PROPERTIES

A. PURPOSE AND SCOPE

1. **Non-Open Public Forums.** As a provider of public transportation services, CTS makes a variety of transit vehicles, facilities, and properties available to persons who use such public transportation services. Although these vehicles, facilities, and properties may be accessed by the general public, they are not open public forums either by nature or by designation. They are intended to be used solely for transit-related activities and provide little, if any, space for other non-transit-related activities.

2. **CTS's Legitimate Interests.** Most public communication activities are prohibited on CTS vehicles and within or upon CTS facilities and properties, regardless of viewpoint expressed, because they are incompatible with CTS's legitimate interests, including, but not limited to:

   a. Securing the use of scarce parking spaces and shelter space for persons who are using public transportation services;
   b. Maintaining safe, clean, and secure transit vehicles, facilities, and properties to retain existing, and attract new, users of public transportation services;
   c. Reducing litter pick-up and other maintenance or administrative expenses so as to maximize the provision of public transportation services; and
   d. Preventing delays and inconvenience to the general public by minimizing congestion, and expediting their boarding, transferring, and alighting of CTS vehicles.

3. **Purpose of Article IV.** CTS vehicles, facilities, and properties are first and foremost intended for CTS public transportation services and the use of those services by the general public. Safe and efficient movement of CTS's vehicles and customers within and upon facilities and properties is paramount to achieving safety, security, maintenance, and operation objectives and meeting general public expectations concerning the CTS provision of public transportation services. CTS's intent and desire is to allow members of the general public to engage in public communication activities on CTS vehicles and within or upon CTS facilities and properties to the extent such activities are compatible with CTS's legitimate proprietary functions and interests. Accordingly, CTS is, within reasonable limits, authorized to regulate the time, place, and manner in which persons engage in public communication activities. Without regard to the content, individuals, or groups involved, some activities might be denied altogether, made subject to the Rules of Conduct, and/or limited by scope, location, or duration. Such activities would include, but are not necessarily limited to, those that are inconsistent with the intended purpose of a given area; pose safety or security risks; interfere with or impinge on the rights of others; impede the free flow of the general public; affect the orderly and efficient use of transit vehicles, facilities, and/or properties; or otherwise interfere with CTS's public transportation services, operations, or maintenance activities.

CTS expressly does not hereby designate its transit vehicles, facilities, and/or properties as public forums. It is the purpose of Article IV to describe the limited extent to which the general public is allowed to engage in public communication activities on CTS vehicles and within or upon CTS facilities and properties.

Article IV does not apply to CTS employees engaged in authorized activities in the course of their employment or to events or commercial activities previously authorized by CTS.

4. **Facilities Governed by Article IV.** CTS vehicles, facilities, and properties, as defined herein, are governed by Article IV.

B. REGULATION OF PUBLIC COMMUNICATION ACTIVITIES

1. **Limitations.** Public communication activities which are otherwise lawful are permitted on CTS vehicles and within or upon CTS facilities and properties, subject to the following exceptions and limitations:

   a. Posting or affixing flyers, pamphlets, brochures, leaflets, written, printed, or graphic material of any kind is prohibited. However, posting of literature in accordance with CTS regulations is permitted on kiosks or bulletin boards installed by CTS for use by the general public.

   b. Selling or offering for sale or donation books, pamphlets, or any other written or printed material is prohibited.

   c. Soliciting funds for any reason is prohibited.

   d. Signs, banners, structures, or other paraphernalia may not be affixed to or erected on CTS vehicles and within or upon CTS facilities and properties, except as authorized by CTS or law.

   e. Signs carried by or on a person are permitted provided the signs are not constructed of a size or material which could inadvertently or intentionally cause injury to a person or property, except signs are not permitted on CTS vehicles. Signs may not be of a size that obstructs the free flow of the general public and may not exceed 32 inches by 32 inches. A “sandwich board” sign may not extend beyond the carrier’s shoulders.

   f. Public communication activities will not be permitted in parking areas or roadways. Public communication activities may not block any loading zone, signage, stairway, escalator, elevator, customer service counter, ticket or automatic teller machine, authorized commercial activity, any fire safety system component, telephone, information board, or the normal general public paths to and from such areas.

g. Public communication activities otherwise permitted under Article IV are prohibited if the number of persons engaged in the activities, their location or their manner of conducting the activities is found to created safety or security problems; interfere with the free flow of persons onto or off of CTS vehicles, or into, within, or from CTS facilities and properties; or interfere with the operation of such transit vehicles, facilities, and properties, or CTS's provision of public transportation services.

h. Persons engaged in public communication activities within or upon CTS facilities and properties shall not use any parking spaces provided at such facilities and properties unless they are also using CTS's public transportation services.

i. No person shall engage in public communication activities permitted under Article IV without first obtaining a Permit in accordance with the rules and procedures set forth in Article IV herein.

C. PERMITTING PROCEDURES

1. **Permit.** No person shall engage in public communication activities permitted under Article IV without first obtaining a Permit in accordance with the rules and procedures set forth herein.

2. **Application for Permit.** Any person that desires to obtain a Permit shall submit an application ("Appllication") to CTS's General Manager or his or her designee. A copy of the form of this Application is attached hereto as Appendix 1. Applications may be obtained in person from CTS's Administration Building (830 W. Lauridsen Blvd., Port Angeles, WA 98363). Applications may also be requested by mail or by calling (360) 452-4511 during the business hours of operation.

3. **Issuance of Permit.**

   a. Within a period of no longer than five (5) business days of receipt of a completed application, a Permit shall be issued by CTS's General Manager or his or her designee, or the applicant shall be furnished with a written statement setting forth the reason why the Application for a Permit has been denied. A Permit will not ordinarily be issued more than 14 calendar days prior to the commencement of intended use and will be valid only for the specific dates, times, and designated areas identified in the Permit. A Permit shall be effective for a period of no longer than seven (7) calendar days and will be limited to the normal hours and days that the designated areas identified in the Permit are open for public access. Applications shall be processed in the order of their receipt.

   b. A permit may be renewed prior to its expiration for up to seven (7) additional calendar days by filing with CTS's General Manager or his or her designee a notice that the Permittee intends to continue the activity, together with any amendments necessary to keep the information required by the Application current and accurate. A Permit shall not be renewed

if the notice and information herein required are not timely filed or if the continued presence of the Permittee cannot be accommodated under these rules and procedures.

c. Permittees are required to have the Permit on their person (or with the group) when engaged in the permitted activity and to present the Permit to CTS personnel upon request. A copy of the form of the Permit is attached hereto as Appendix 2.

4. **Denial of Permit.** If a Permit is denied, CTS's General Manager or his or her designee shall serve on the applicant personally or by U.S. Mail a written statement of reasons for denial. A Permit may be denied because:

   a. The applicant has not furnished the information required by the Application, or the applicant has failed to agree to the conditions of the Permit;

   b. Conditions exist which make the applicant's proposed activity at the date, time, or location proposed by the applicant incompatible with CTS's operational function or is otherwise limited or prohibited under Articles IV and/or V;

   c. The nature of the activity that the applicant wishes to conduct constitutes a commercial activity subject to other requirements of CTS described in Article III herein;

   d. There has been within the previous 12 months: (i) an exclusion order issued to the applicant or participant pursuant to Article III herein; (ii) a revocation of a previous Permit issued to the applicant; or (iii) a failure to comply with the terms and conditions of a Permit previously issued to the applicant; or

   e. One or more applicants have requested Permits for the same date, time, or location; CTS cannot reasonably accommodate additional public communication activities at that same date, time, or location; or the current applicant is not entitled to priority in accordance with these rules and procedures.

5. **Revocation of Permit.** A Permit may be revoked immediately by CTS's General Manager or his or her designee, when evidence exists that:

   a. A Permittee has violated the provisions of the Permit or these Rules of Conduct, or

   b. The activity has attracted a crowd of sufficient size so as to begin to adversely impact the safety, security, or rights of others; the free flow of the general public; or the normal operation requirements of the transit vehicle, facility, or property.

   Before revoking a Permit, the General Manager, or his or her designee, may, but is not required to, give the Permittee(s) a verbal warning of any violation of the Permit or these Rules of Conduct.

The General Manager, or his or her designee, may, but is not required to, return a Permit after adverse conditions that existed at the time of revocation are no longer present.

6. Notice of Revocation.

a. Notice of revocation shall be in writing, supported by a statement of facts and a list of witnesses to the facts stated, and be personally served upon the Permittee or mailed to the Permittee by U.S. Mail. A notice of revocation need not be in writing if immediate conditions exist that pose safety or security risks, interfere with or impinge on the rights of others, impede the free flow of the general public, affect the orderly and efficient use of a transit facility, or otherwise interfere with CTS's public transportation services, operations, or maintenance activities. If written notice of revocation is not given because of such immediate conditions, CTS shall within three (3) calendar days from the date of revocation prepare a written notice of revocation as required above.

b. Once a Permit has been revoked, a person shall not continue the activity until another Permit has been obtained or the revoked Permit returned. If the Permit has been revoked on a permanent basis, all materials involved in the terminated activity must be removed immediately by the individual(s) involved. No table, chairs, equipment, or other materials may be left behind unattended or stored on the premises.

7. Appeal from Denial or Revocation.

a. Upon notification of the denial of a Permit, or revocation thereof, an applicant or Permittee may file a notice of appeal with CTS's General Manager.

b. Upon CTS's receipt of the notice of appeal, the matter shall be set for a hearing before CTS's General Manager within fifteen (15) calendar days thereof and shall issue a notice of hearing which shall be sent by U.S. Mail to the applicant or Permittee, and which shall contain the date, time, and place of the hearing.

c. At the hearing, the applicant or Permittee may be represented by legal counsel. Testimony shall be taken upon oath or affirmation first of witnesses in support of the denial or revocation of the Permit. The applicant or Permittee may testify and present witnesses on his behalf. A record shall be made of the proceeding and kept on file with CTS for at least three (3) years.

d. The General Manager's findings and order shall, within seven (7) calendar days of the conclusion of the hearing, be sent to the applicant or Permittee by U.S. Mail.

8. Availability and Limit of Permits.

a. Permits will be issued on a first-come, first-served basis, subject to availability, provided that CTS may give preference to an applicant or applicants who have had the least opportunity

during the preceding 30 calendar days to conduct public communication activities. Permits shall be issued without regard to the identity of the person or cause for which the Permit is being requested.

b. For safety and security reasons, to ensure that the free flow of the general public and the intended transportation functions of transit vehicles, facilities, and properties are met, and to accommodate other activities competing for limited available space, a maximum of four (4) individuals, representing the same groups of causes, will be allowed to engage in public communication activities at any given time.

9. **Transferability.** Upon written approval by the General Manager or his/her designee, a Permit may be transferred to another person engaged in the same activity, provided that the receiving party complies with the conditions of the Permit and retains it on his or her person during the activity.

10. **Reproduction.** Permits may not be reproduced or altered in any manner. Reproduced or altered Permits will be considered invalid and confiscated. The holder of the invalid Permit will be required to cease his or her activity until a valid Permit is obtained.

11. **Signs, Banners, Literature, Etc.** Signs, banners, literature, leaflets, posters, structures, or other paraphernalia may not be affixed to or laid upon CTS vehicles, facilities, or properties or erected in conjunction with an activity unless space has otherwise been provided for such purpose or under provision stated elsewhere in these rules and procedures. Permittees may offer literature to the general public, but Permittees shall refrain from attempting to distribute literature to any member of the general public who indicates by words or actions s/he does not desire to receive said literature. Permittees may not distribute or offer to distribute said literature within ten (10) feet of persons in queue lines, bus exits or entrances, or permanent waiting fixtures, unless invited closer by a transit patron.

12. **Responsibility for Clean-Up.** Permittees shall be responsible for cleaning up litter that they personally (or as a group) generate in the course of their activity. If, at the end of the Permittee's activity, the Permittee fails to clean up such litter, CTS shall cause the clean-up of the Permittee's litter and the Permittee shall reimburse CTS for all costs incurred therefrom.

13. **Unattended Distribution and Storage of Materials.** No Permittee shall leave unattended distribution materials or the storage of distribution materials, placards, boxes, or other supplies used in support of public communication activities.

14. **Hold Harmless.** Any Permittee, including Permittee's personal representatives, successors in interest, and assigns, shall, as a precondition to the issuance of any permit, agree to indemnify, defend, and hold harmless CTS and its officers, agents, and employees from all suits, claims, actions, and damages of whatsoever kind or nature arising out of or resulting from Permittee's use of the premises, except to the extent caused by the negligence of CTS and its officers, agents, and employees. Any Permittee shall further covenant and agree to specifically assume potential

liability for actions brought by Permittee's own employees against CTS and its officers, agents, and employees and for that purpose only, Permittee specifically waives any immunity under workers' compensation act, Title 51 RCW, provided, however, that said waiver shall not apply to such actions in which Permittee's employee alleges that the claim arises through no fault of Permittee, unless the fault of Permittee is established through discovery or at trial.

15. **Interaction with the General Public.** CTS and its officers, agents, and employees shall not unnecessarily interfere with any consensual conversation between Permittees and members of the general public. Permittees shall forthwith terminate any conversation with any member of the general public when requested to do so by the addressee. No person, while engaged in public communication activities, shall physically touch or contact a member of the general public, unless the person has previously consented to the contact or unless the person has previously agreed to contribute to the Permittee or the organization which s/he represents.

16. **Misrepresentations.** No person, while engaging in solicitation of funds, shall misrepresent the true purposes for which the resources thus obtained will be utilized by the person. In the solicitation of funds, the person shall inform the person being solicited of the true intent of the organization for which said funds are solicited. No false, fraudulent, or misleading statements or representations shall be made.

17. **Permits and Licenses.** The Permittee shall be responsible for obtaining all necessary permits and licenses from any other regulatory agencies required for the Permittee's use of transit vehicles, facilities, or properties. Permittee shall provide copies of said permits to CTS upon its request.

18. **Compliance with the Rules of Conduct and Laws.** Permittees shall abide by the CTS Rules of Conduct and all state, federal, and municipal criminal and civil laws.

D. GENERAL

1. **Liability for Clean-up.** Any person engaged in public communication activities and found responsible for litter, damage, or destruction or property, whether by accident or intent, shall be responsible for the clean-up and/or liable for the cost of repairing or replacing the damaged or destroyed property.

2. **Liability of CTS.** Nothing in Article IV or in the permission of public communication activities on CTS vehicles and within or upon CTS facilities and properties shall create a duty to any person on the part of CTS or form any basis for liability on the part of CTS, the members of the Board, its agents, or employees. The obligation to comply with the requirements of Article IV is solely that of any persons engaging in public communication activities and CTS's enforcement of Article IV is discretionary, not mandatory.

3. **Non-CTS Uses.** Notwithstanding the limitations and prohibitions contained in Article IV, CTS reserves the right to enter into leases or other use agreements permitting non-CTS uses of CTS

vehicles, facilities, and properties that are found to be compatible with CTS's proprietary functions and interests.

ARTICLE V – CTS TRANSIT CENTER USE POLICY

CTS shall permit the use of its transit centers by private, non-profit, and governmental agencies (hereafter "user") when they are not in use for transit system activities. CTS transit centers are ADA accessible.

The following guidelines shall apply:

A. In case of emergency, call 911. CTS does not accept any liability for any person who provides emergency medical service. For non-emergency problems and in event of injury and/or property damage, contact the CTS Maintenance Manager at the telephone number listed on the event Permit

B. The General Manager is authorized to set the transit lane usage fee at a rate not less than $75 for each day of use. Use of affiliated transit center areas and excessive consumption of utilities may cause additional fees.

C. A 24-hour cancellation notice will be required to cancel any reserved use of the transit lanes or will be subject to a fee equal to what it would be if the lanes had been used. In the event of a major catastrophe, Clallam County could require the immediate use of the lanes in which CTS will not accept liability for terminated user activities.

D. Any user using the transit lanes will be required to provide liability insurance and agree to defend, indemnify, and hold CTS harmless from any liability arising from the user's use of the transit lanes. This documentation must be provided to CTS before the use date to ensure confirmation. User shall show proof of General Liability Insurance Coverage including bodily injury/property damage, personal injury/advertising injury, and stop gap liability for minimum limits of: General Aggregate ($2,000,000) and Each Occurrence ($2,000,000). CTS shall be named as an Additional Insured.

E. The transit lanes and sidewalks must be left clean and all trash removed at the user's expense.

F. All attendees are expected to properly use available authorized parking spaces. Vehicles shall not park or drive on the sidewalk areas of the transit lanes. The Gateway Transit Center elevator is not operational on Sundays.

G. Use of CTS equipment is prohibited without special arrangement and may be subject to a fee. No Wi-Fi access shall be provided.

H. No items shall be temporarily affixed in any manner to the walls of any permanent facility, including bus shelters.

I. Permission granted for the premises' permanent facilities will be identified by the Facilities Use Agreement.

J. CTS does not accept responsibility for the loss of or damage to personal property.

K. Any areas declared under construction or whose use is not specifically stated in the Permit are off-limits to the user and the general public and shall not be entered or modified in any way.

L. In the event that CTS sustains property loss or damage during such use or occupancy, the amount of damage inclusive of operational time loss costs shall be determined by the General Manager and approved by the CTS Board. An invoice for damages shall be presented to the user(s) using the facilities during the sustained loss.

M. CTS Rules of Conduct shall be observed at all times. Violation of the CTS Rules of Conduct may result in the immediate revocation of the user's Permit and no refunds shall be provided.

N. Unless specifically noted in the Facilities Use Agreement or Permit, use of the transit lanes during any one day is limited to the hours of 8:00 AM through 6:00 PM.